

# House Amendment 1108

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1 1 Amend House File 320 as follows:  
1 2 #1. By striking everything after the enacting  
1 3 clause and inserting the following:  
1 4 <Section 1. Section 125.59, unnumbered paragraph  
1 5 1, Code 2007, is amended to read as follows:  
1 6 The treasurer of state shall transfer funds  
1 7 credited from the issuance of special series plates as  
1 8 provided in section 321J.4A, and on each July 1 for  
1 9 that fiscal year, shall transfer the estimated amounts  
1 10 to be received from section 123.36, subsection 8, and  
1 11 section 123.143, subsection 1, to the department.  
1 12 Sec. 2. NEW SECTION. 321J.4A SURRENDER OF  
1 13 VEHICLE REGISTRATION == SPECIAL SERIES PLATES.  
1 14 1. Upon a conviction for an offense that is a  
1 15 second or subsequent offense under section 321J.2, the  
1 16 court shall issue an order requiring the surrender of  
1 17 the registration receipt and registration plates for  
1 18 the following vehicles, as identified by the  
1 19 department:  
1 20 a. Any vehicle registered to the defendant,  
1 21 individually or jointly.  
1 22 b. Any vehicle for which the defendant is listed  
1 23 on the certificate of title as the owner or co-owner.  
1 24 c. Any leased vehicle required to be registered  
1 25 under section 321F.8, if the defendant is listed as  
1 26 the lessee. A rental vehicle which is one of a fleet  
1 27 of vehicles rented for periods of four months or less  
1 28 is not a leased vehicle for purposes of this section.  
1 29 2. The court shall forward a copy of the surrender  
1 30 of registration order to the applicable county  
1 31 treasurer. The court shall forward the surrendered  
1 32 registration receipt to the county treasurer within  
1 33 seven days after surrender. The court may destroy the  
1 34 surrendered registration plates and notify the county  
1 35 treasurer of the destruction.  
1 36 3. If a vehicle has been impounded pursuant to  
1 37 section 321J.4B, the court shall order the  
1 38 registration receipt and plates to be forwarded to the  
1 39 court by a date specified by the court. If a  
1 40 vehicle's registration receipt and plates have been  
1 41 surrendered to the department pursuant to section  
1 42 321A.17, the defendant shall notify the court.  
1 43 4. a. A defendant or owner whose motor vehicle  
1 44 registration receipt and plates have been surrendered  
1 45 pursuant to this section may apply to the director for  
1 46 new registration plates, which shall bear a special  
1 47 series of numbers or letters so as to be readily  
1 48 identified by peace officers. The director shall  
1 49 authorize issuance of special series plates if any of  
1 50 the following apply:  
2 1 (1) A member of the defendant's household or a  
2 2 co-owner of the vehicle has a valid driver's license.  
2 3 (2) The defendant has been issued a temporary  
2 4 restricted license under section 321J.20.  
2 5 b. The special series registration plates shall be  
2 6 issued upon payment of a special fee of fifty dollars  
2 7 for each vehicle for which special series plates are  
2 8 issued. The special fee does not modify or replace  
2 9 the annual registration fee required for the vehicle  
2 10 under chapter 321. The special fees collected from  
2 11 the issuance of special series plates shall be  
2 12 credited to the road use tax fund. Notwithstanding  
2 13 section 423.43, and prior to the crediting of the  
2 14 revenues to the road use tax fund under section  
2 15 423.43, subsection 1, paragraph "b", the treasurer of  
2 16 state shall credit monthly the amount of the special  
2 17 fees collected in the previous month to the Iowa  
2 18 department of public health to be used in each county  
2 19 for substance abuse education programs funded under  
2 20 section 125.59.  
2 21 5. Application for and acceptance of special  
2 22 series registration plates constitutes implied consent  
2 23 for a peace officer to stop the vehicle bearing the  
2 24 special series plates at any time. A peace officer

2 25 who observes the operation of a motor vehicle bearing  
2 26 special series registration plates issued under this  
2 27 section may stop the vehicle for the purpose of  
2 28 determining whether the driver is operating the  
2 29 vehicle lawfully under a valid driver's license.  
2 30 6. A registered owner of a motor vehicle shall not  
2 31 sell the motor vehicle during the time its  
2 32 registration plates and registration receipt have been  
2 33 ordered surrendered or during the time its  
2 34 registration plates bear a special series number,  
2 35 unless the registered owner applies to the department  
2 36 for consent to transfer title to the motor vehicle.  
2 37 If the department is satisfied that the proposed sale  
2 38 is in good faith and for valid consideration, that the  
2 39 registered owner will be deprived of custody and  
2 40 control of the motor vehicle, and that the sale is not  
2 41 for the purpose of circumventing the provisions of  
2 42 this section, the department may certify its consent  
2 43 to the county treasurer. The county treasurer shall  
2 44 then transfer the title to the new owner upon proper  
2 45 application and issue new registration plates. After  
2 46 the registration plates and registration receipt have  
2 47 been ordered surrendered to the court under this  
2 48 section, if the title to the motor vehicle is  
2 49 transferred by the cancellation of a conditional sales  
2 50 contract, a sale upon execution, or by decree or order  
3 1 of a court of competent jurisdiction, the department  
3 2 shall order the title surrendered to the new  
3 3 registered owner. The county treasurer shall then  
3 4 transfer the title and issue new registration plates  
3 5 to the new registered owner. If a registered owner  
3 6 who is subject to a surrender order applies for a new  
3 7 vehicle registration, the department shall issue  
3 8 special series plates upon payment of a fee, as  
3 9 required under this section, or permit transfer of  
3 10 special series registration plates to the new vehicle  
3 11 at no charge.  
3 12 7. A surrender order shall remain in effect until  
3 13 the department is authorized to delete all convictions  
3 14 under section 321J.2 from the defendant's operating  
3 15 record, as provided in section 321.12. The department  
3 16 shall notify the registered owner of any vehicle  
3 17 registered with special series plates when the  
3 18 surrender order is about to expire. After the  
3 19 surrender order has expired, the department shall  
3 20 exchange the special series plates for regular  
3 21 registration plates at no charge upon request of the  
3 22 vehicle's registered owner.  
3 23 8. This section is not intended to change or  
3 24 modify the taxation of motor vehicles or the time  
3 25 within which a motor vehicle tax must be paid.  
3 26 9. a. A person who fails to surrender any  
3 27 registration plates or a registration receipt to the  
3 28 court upon demand under this section or who fails to  
3 29 comply with this section is guilty of a simple  
3 30 misdemeanor and contempt of court.  
3 31 b. A person who operates a motor vehicle on a  
3 32 street or highway at a time when a court has ordered  
3 33 the surrender of the vehicle's registration plates and  
3 34 registration receipt is guilty of a simple misdemeanor  
3 35 as a separate and distinct offense from any other  
3 36 penalty imposed in connection with the offense of  
3 37 driving while under a license suspension or  
3 38 revocation.  
3 39 10. The director may adopt such rules as may be  
3 40 necessary for the implementation and administration of  
3 41 this section.>  
3 42 #2. Title page, by striking lines 1 through 3 and  
3 43 inserting the following: <An Act relating to  
3 44 surrender of motor vehicle registrations upon  
3 45 conviction for a second or subsequent offense of  
3 46 operating while intoxicated, issuance of special  
3 47 series motor vehicle registration plates, providing a  
3 48 fee and an appropriation, and providing penalties.>  
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